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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,809

08/04/2003

Tsutomu Kiyono

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04/07/2006

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EXAMINER

QIN, JIANCHUN

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/632,809

Applicant(s)

KIYONO ET AL.

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5, 7, 10, 12, 14, 17, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1, 8, 15 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Upon further consideration, the allowable subject matter of claims 1, 8 and 15 as indicated in the last Office Action mailed on 10/31/2005 has been withdrawn and replaced by the following office action. Any inconvenience to the Applicant(s) is regretted.

### ***Claim Objection***

2. Claim 22 is objected to because of the following minor informalities:

Regarding claim 22, the Applicants are advised that patents are not granted for all discoveries, but only for those, which are specifically provided for in 35 U.S.C. 101. This section requires that the invention be "new and useful" and that it fall within one of the five specified classes of invention, which are:

1. Process or method (which may be a process of making something or a process of using something)
2. Machine or apparatus,
3. Manufacture (article)
4. Composition of matter
5. An improvement of any of the above

It is suggested to change the phrase "A program for playing" into --A computer-readable medium for storing a program for playing--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Boon (U.S. Pub. No. 20040014513).

Boon teaches a program for playing a music game, wherein the game starts when an initially inputted beating operation signal is received as a start signal in a start acceptance state prior to starting the game (section 0026).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshino et al. in view Duncan et al. (U.S. Pat. No. 4852443).

With respect to claim 1:

Yoshino et al. teach an input device (10) which outputs a signal by applying a beating input to an annularly-formed input area (12), wherein the input area includes an input sensor (14) branched from a conductive section (18) which transmits a signal as a first transmission path (section 0048), the conductive section being connected to a second transmission path so that a plurality of paths for transmitting a signal from the input sensor are provided for the input device (sections 0048 and 0060).

Yoshino et al. do not mention expressly: said input area includes a plurality of input sensors; said conductive section being connected to at least one bypass member which is a second transmission path.

Duncan et al. teach a percussion detecting device, including: an input area which includes a plurality of input sensors (col. 6, lines 19-39).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Duncan et al. into the invention of Yoshino et al. in order to produce signals from similar inputs at different points of the inputting area (Duncan et al., col. 6, lines 19-32).

The examiner takes official notice that bypass members are well known in the art. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate bypass members into the invention of Yoshino et al. in order to provide a cost-effective mechanism to transmit signals as desired. The mere application of a known technique to a specific instance by those skilled in the art would have been obvious.

With respect to claims 8 and 15:

Yoshino et al. do not mention expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 1.

It is obvious that the input device taught by the combination of Yoshino et al. and Duncan et al. is generic in terms of functionality and structure for any percussion musical instrument. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the inputting device taught by Yoshino et al. and Duncan et al. into a game machine or a simulated percussion instrument in order to provide a music game machine with additional means for receiving striking input operations to create a more realistic gaming experience. It has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

***Allowable Subject Matter***

7. Claims 3, 5, 7, 10, 12, 14, 17, 19 and 21 are allowed.

***Reasons for Allowance***

8. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 3, 5, 7, 10, 12, 14, 17, 19 and 21 is the inclusion of the limitations that said input device having a planar-shaped first input area in a predetermined region and a second input area annularly formed around a periphery of the first input area, the input device outputting different signals when beating inputs are applied to the first and second input areas, respectively, wherein the first input area includes a sheet-like first input sensor which is disposed over the almost entire surface of the first input area, the first input sensor being divided into a plurality of sections, and wherein the second input area includes a plurality of second input sensors branched from a conductive section which transmits a signal as a first transmission path, the conductive section being connected to at least one bypass member which is a second transmission path so that a plurality of paths for transmitting a signal from the second input sensors are provided for the input device. It is these limitations found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art Citations***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Tanaka et al. (U. S. Pub. No. 20030061932) is entitled to "Simple electronic musical instrument, player's console and signal processing system incorporated therein".

2) Nishimoto et al. (U.S. Pub. No. 20010034014 A1) is entitled to "Physical motion state evaluation apparatus".

3) Yanase (U.S. Pat. No. 6822148) is entitled "Electronic pad".

***Response to Arguments***

10. Applicant's arguments received 01/31/2006 with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim 22 is rejected as new prior art reference has been found to teach the claimed invention. Detailed response is given in sections 2-3 as set forth above in this Office Action.

***Contact Information***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm.



Art Unit: 2837

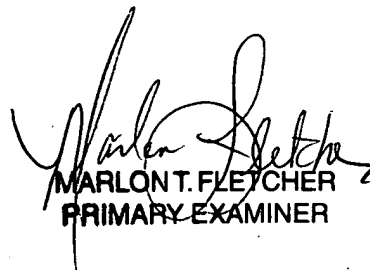
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JQ

March 31, 2006

Jianchun Qin  
Examiner  
Art Unit 2837

  
MARLON T. FLETCHER  
PRIMARY EXAMINER